

1 **James M. Dore - State Bar No. 343860**
2 JUSTICIA LABORAL, LLC.
3 6232 N. Pulaski Rd. Suite 300, Chicago, IL 60646
4 P: (773) 415-4898; E: jdore@justicialaboral.com
5 *Attorneys for Plaintiff*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OSCAR RENE ORELLANA IZAGUIRRE

CASE NO: 5:23-CV-316

Plaintiff,

MOTION FOR DEFAULT JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 55

PROSPER BUILDERS, INC.,
QUOC K. TRUONG AND THAI TRUONG,

MAGISTRATE JUDGE
SUSAN VAN KEULEN

Defendants.

PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 55

Plaintiff Oscar Rene Orellana Izaguirre ("Plaintiff"), by attorney James Dore of Justicia

17 Laboral LLC, submit this Motion for Default Judgment Pursuant to Federal Rule of Civil
18 Procedure 55, and states:

19 1. This is a cause of action whereby Plaintiff seeks to secure declaratory relief and damages
20 to remedy Defendants' violations of federal, state and local employment laws by failing to
21 adequately compensate Plaintiff for the hours he worked, and to secure declaratory,
22 compensatory, and punitive damages under federal and state employment laws. Dckt. 1.

Service and Personal Jurisdiction

25 2. Defendant PROSPER BUILDERS, INC. is a corporation conducting business in San Jose,
26 California, and whose principal office is 1536 Bahama Way, San Jose, California 95122 as per the

27 State of California Secretary of State's records. Accordingly, venue is proper in the Northern
28 District of California.

29 3. On April 19, 2023, Defendant PROSPER BUILDERS, INC. was served through the
30 California Secretary of State, at c/o California Secretary of State 1500 11th Street, 39 Sacramento,
31 CA 95814. Dckt. 22. This is after the Court granted Plaintiff's motion for alternative service on
32 entity defendant on April 13, 2023. Dckt. 18.

33 4. After several unsuccessful diligent attempts to personally serve individual Defendants
34 THAI TRUONG and QUOC K. TRUONG at 1536 Bahama Way, San Jose, California 95122,
35 pursuant to Fed. R. Civ. P. 4(e)(2)(B), Defendants THAI TRUONG and QUOC K. TRUONG
36 were served via substitute service by handing copies of the Complaint and summons to THUY
37 TROUNG, who identified herself as Defendants' sister, at 8206 Split Rail Way, Sacramento, CA
38 95829 on March 22, 2023. Dckts. 16 and 17.

39 5. Substitute service of individual Defendants THAI TRUONG and QUOK K. TRUONG
40 was proper pursuant to Fed. R. Civ. P. 4(e)(2)(B). As a result, the Court need not look to
41 California law for service of process. Rule 4(e)(2)(B) does not contain a reasonable diligence
42 requirement.

43 6. Thus, the Court has personal jurisdiction over all Defendants in the instant case. *See*
44 *Trustlabs, Inc. v. An*, No. 21-cv-2606-CRB, 2021 WL 312595, at *2 n.2 (July 23, 2021).

45 **Venue**

46 7. "28 U.S. Code § 1391 - Venue generally" provides in relevant part:

47 (b)(2) **Venue in General.**—A civil action may be brought in a judicial district in which a
48 substantial part of the events or omissions giving rise to the claim occurred, or a substantial part
49 of property that is the subject of the action is situated; or

50 (c)(2) **Residency.**—For all venue purposes, an entity with the capacity to sue and be sued in its
51 common name under applicable law, whether or not incorporated, shall be deemed to reside, if a
52 defendant, in any judicial district in which such defendant is subject to the court's personal

54 jurisdiction with respect to the civil action in question and, if a plaintiff, only in the judicial district
 55 in which it maintains its principal place of business;

56

57 (d) Residency of Corporations in States With Multiple Districts. —

58

59 For purposes of venue under this chapter, in a State which has more than one judicial district and
 60 in which a defendant that is a corporation is subject to personal jurisdiction at the time an action
 61 is commenced, such corporation shall be deemed to reside in any district in that State within
 62 which its contacts would be sufficient to subject it to personal jurisdiction if that district were a
 63 separate State, and, if there is no such district, the corporation shall be deemed to reside in the
 64 district within which it has the most significant contacts.

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66 8. Defendant PROSPER BUILDERS, INC. is a corporation conducting business in San Jose,
 67 California, and whose principal office is 1536 Bahama Way, San Jose, California 95122. San Jose
 68 California is located within the Northern District of California. Its principal place of business, as
 69 reflected in the California Secretary of State's records, is located within the Northern District of
 70 California. Further, Defendants THAI TRUONG and QUOC K. TRUONG are sued as the
 71 operators/owners of PROSPER BUILDERS, INC., a company they were operating within the
 72 Northern District of California. The Plaintiff was hired and performed work for all Defendants
 73 within the Northern District of California; a substantial part of the events giving rise to the claims
 74 herein occurred within the Northern District of California.

75 9. As such, venue in the Northern District of California is proper.

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Argument

77 10. On June 19, 2023, Plaintiff filed a Motion for Entry of Default, which was granted by the
 78 Court on June 21, 2023. Dckts. 23 and 24.

79 11. Accordingly, Plaintiff now moves for a default judgment against Defendants pursuant to
 80 Federal Rule of Civil Procedure 55; in support, Plaintiff tenders supporting documents.

81 12. Plaintiff Oscar Rene Orellana Izaguirre is asking that a default judgment be entered in his
 82 favor in the amount of \$42,136.50 representing unpaid overtime wages, liquidated damages,
 83 waiting time penalties, meal and breaks violations and wage statement violations, plus

84 reasonable attorney's fees and costs. See Oscar Rene Orellana Izaguirre's Affidavit of Prove- Up,
85 attached as Exhibit A.

86 13. Additionally, Plaintiff requests an award of reasonable attorney's fees and costs of suit in
87 the amount of \$4,669.05 pursuant to 29 USC § 216(b) of the Fair Labor Standards Act and under
88 the California Labor code. In support thereof, attached hereto as Exhibit B is the Petition for
89 Attorney's Fees and Costs.

90 14. Additionally, in support of this Motion, Plaintiff attaches: (i) a Certificate of Default,
91 attesting to the fact that Defendant has not entered an appearance in this case (See Exhibit 3); and
92 (ii) An Affidavit as to Military Service establishing that the individual Defendant(s) is/ are not on
93 current active duty with the US Armed Forces (See Exhibit 4).

94 15. In determining whether to grant a default judgment, a court may consider the following
95 factors: (1) the possibility of prejudice to plaintiff if relief is denied, (2) the substantive merits of
96 plaintiff's claim, (3) the sufficiency of the complaint, (4) the amount of money at stake, (5) the
97 possibility of dispute as to any material facts in the case, (6) whether default resulted from
98 excusable neglect, and (7) the strong policy underlying the Federal Rules of Civil Procedure
99 favoring decisions on the merits. *See Eitel v. McCool*, 782 F.2d 1470, 1471-1472 (9th Cir. 1986). In
100 considering these factors, all factual allegations in the plaintiff's complaint are taken as true,
101 except those relating to damages. *See TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th
102 Cir.)

103 16. All the Eitel factors favor entry of default judgment in the present case. The first (1) factor
104 is met since Plaintiff will be prejudiced if relief is denied because Defendants have failed to
105 participate in this action even though they presumably have knowledge of the existence of the
106 lawsuit. Therefore, Plaintiff's only recourse is a default judgment against them. Factors (2) and
107 (3) are also met, inasmuch as Plaintiff's claims have merit and are sufficiently pled. The fourth (4)

108 factor is also met, as set forth in the accompanying declarations, \$46,805.55 is at stake, and while
 109 not insignificant, it is small and certain enough to make this matter appropriate for resolution by
 110 default judgment. The fifth (5) factor is met as well, since the Clerk of the Court entered defaults
 111 against all Defendants on June 21, 2023, there can be no possibility of dispute as to any material
 112 facts in the case (*see Fair Hous. of Marin v. Combs*, 285 F.3d 899, 906 (9th Cir. 2002) (once the Clerk
 113 of Court enters default, all well-pleaded allegations regarding liability are taken as true except as
 114 to the amount of damages). Factor six (6) is also met since there is no evidence the default resulted
 115 from excusable neglect. Finally, factor seven (7), Defendants' failure to participate in this action
 116 has made it impossible for a decision on the merits to be rendered by the Court.

117 **WHEREFORE**, Plaintiff Oscar Rene Orellana Izaguirre respectfully requests that this
 118 Motion be granted, and that the Court enters judgment in his favor and against Defendants
 119 PROSPER BUILDERS, INC., QUOC K. TRUONG AND THAI TRUONG, jointly and severally, in
 120 the amount of **\$46,805.55**, and that the Court enter any other relief deemed just or necessary.

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 /s/James M. Dore

Justicia Laboral LLC
 James M. Dore (State Bar No. 343860)
Attorneys for Plaintiffs
 6232 N. Pulaski Road, Suite 300
 Chicago, IL. 60646
 P: 773-415-4898
 E:jdore@justicialaboral.com;

139 James M. Dore - State Bar No. 343860
140 JUSTICIA LABORAL, LLC
141 6232 N. Pulaski Rd. Suite 300, Chicago, IL 60646
142 P: (773) 415-4898; E: jdore@justicialaboral.com
143 *Attorneys for Plaintiffs*

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OSCAR RENE ORELLANA IZAGUIRRE

CASE NO: 5:23-CV-316

Plaintiff,

vs.

PROSPER BUILDERS, INC.,
QUOC K. TRUONG AND THAI TRUONG,

Defendants.

NOTICE OF FILING AND CERTIFICATE OF
SERVICE OF MOTION FOR DEFAULT
JUDGMENT PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 55

150

Notice of Filing

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153 TO: PROSPER BUILDERS, INC.
154 *Defendant*
155 8206 Split Rail Way
156 Sacramento, California 95829

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158 QUOC K. TRUONG
159 *Defendant*
160 8206 Split Rail way
161 Sacramento, California 95829

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163 THAI TRUONG
164 *Defendant*
165 8206 Split Rail Way
166 Sacramento, California 95829

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168

169 PLEASE TAKE NOTICE that on September 29, 2023, I caused to be filed the attached the
170 Plaintiff's Motion for Default Judgment against Defendants pursuant to Federal Rule of Civil
171 Procedure 55, copies of which are hereby served upon you.

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s/ James M. Dore

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185 I, James M. Dore, an attorney, certify that I caused this **Notice of Filing and Plaintiff's**
186 **Motion for Default Judgment against Defendants pursuant to Federal Rule of Civil Procedure**
187 55 to be filed with the Clerk of the Court on September 29, 2023 and I certify that I served this
188 notice and documents by mailing copies to the attorneys/parties of record at their listed
189 addresses below, and depositing the same in the U.S. Mail in Chicago on September 29, 2023,
190 with proper postage prepaid:
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Justicia Laboral LLC
James M. Dore (State Bar No. 343860)
Attorneys for Plaintiffs
6232 N. Pulaski Road, Suite 300
Chicago, IL. 60646
P: 773-415-4898
E:jdore@justicialaboral.com;

Certificate of Service

PROSPER BUILDERS, INC.
Defendant
8206 Split Rail Way
Sacramento, California 95829

QUOC K. TRUONG
Defendant
8206 Split Rail way
Sacramento, California 95829

THAI TRUONG
Defendant
8206 Split Rail Way
Sacramento, California 95829

s/ James M. Dore

Justicia Laboral LLC
James M. Dore (State Bar No. 343860)
Attorneys for Plaintiffs
6232 N. Pulaski Road, Suite 300
Chicago, IL. 60646
P: 773-415-4898
E:jdore@justicialaboral.com;

1 James M. Dore - State Bar No. 343860
2 JUSTICIA LABORAL, LLC
3 6232 N. Pulaski Rd. Suite 300, Chicago, IL 60646
4 P: (773) 415-4898; E: jdore@justicialaboral.com
5 *Attorneys for Plaintiffs*
6

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
9

10 OSCAR RENE ORELLANA IZAGUIRRE

CASE NO: 5:23-CV-316

Plaintiff,

vs.

MOTION FOR DEFAULT JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 55

PROSPER BUILDERS, INC.,
QUOC K. TRUONG AND THAI TRUONG,

Defendants.

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12 **Affidavit for Prove-Up by Plaintiff Oscar Rene Orellana Izaguirre**
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14 Oscar Rene Orellana Izaguirre, having been first duly sworn on oath, states:

15 1. I am adult, over the age of twenty-one, and I have personal knowledge of the facts
16 set forth in this affidavit, and I am a Plaintiff in the above captioned action.

17 2. My primary language is Spanish. I have read and reviewed this affidavit with the
18 assistance of an interpreter, Derian Geovanni Palacios Morales, who is an
19 employee of my lawyer's law firm, Justicia Laboral, LLC. I am a resident of
20 California; I was formerly employed by Defendants Proper Builders, Inc., Quoc K.
21 Truong and Thai Truong ("Defendants") in California.

22 3. I began working for Defendants on or before July 2022 until September 15, 2022. My
23 hours per week were on average 70 hours per week. My rate of pay was \$17.14 per
24 hour. My position was as a general laborer and driver.

25 4. Defendants Quoc K. Truong and Thai Truong were my supervisors during my
26 employment.

27 5. I was never paid time-and-a-half wages for any hours worked in excess of forty hours per
28 week. I was not paid the minimum wage for all my hours worked.

29 6. Attached hereto as Exhibit A is a spreadsheet showing my unpaid minimum and overtime
30 wages on a week-by-week basis, as well as the damages I am seeking. The total unpaid
31 overtime and minimum wages owed to me are \$14,243.34. Ex. A is incorporated herein.
32 7. Under the Fair Labor Standards Act, I am owed liquidated damages of \$14,243.34 for my
33 unpaid overtime and minimum wages.
34 8. Attached hereto as Exhibit B, is a spreadsheet showing that I am also owed \$3,993.62 in
35 unpaid rest and meal breaks under the California Labor Code. Exhibit B is incorporated
36 herein.
37 9. Attached hereto as Exhibit C, is a spreadsheet showing that I am also owed \$5,656.20 in
38 waiting time penalties under the California Labor Code. Exhibit C is incorporated herein.
39 10. Under the California Labor Code, I am also owed \$4,000.00 for wage statements violations.
40 11. I would ask that the Court enter judgment in the amount of \$42,136.50, plus reasonable
41 attorney's fees, plus costs of suit, itemized as follows:
42 a) \$14,243.34 in overtime and minimum wages under the Fair Labor
43 Standards Act;
44 b) \$14,243.34 in liquidated damages;
45 c) \$3,993.62 in rest and meal violations;
46 d) \$5,656.20 in waiting time penalties;
47 e) \$4,000.00 for wage statement violations under the California Labor
48 Code; and
49 f) TBD – reasonable attorney's fees and costs.

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Verification

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53 I declare under penalty of perjury that the foregoing is true and correct.

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55 Executed: 7/24/2023

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DocuSigned by:

C3CDB9EF58784D8...

Oscar rene Orellana Izaguirre

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Interpreter Verification

62 I declare under penalty of perjury that I am fluent in both English and Spanish, and that on July
63 24, 2023, I read and interpreted this Affidavit from English to Spanish for Affiant.

64

65 Executed: 7/25/23



66 Derian Geovanni Palacios Morales

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EXHIBIT A-OT and unpaid wages calculator

<u>Week</u>	<u>Av. Hours/Wk.</u>	<u>Hours Over 40</u>	<u>Hrly. Wage</u>	<u>MW/Hr.</u>	<u>Unpaid MW</u>	<u>Unpaid OT</u>	<u>FLSA Liquidated</u>
7/17/2022	4	0	\$17.14	\$0.00	\$0.00	\$0.00	\$0.00
7/24/2022	70	30	\$17.14	\$0.00	\$0.00	\$257.10	\$257.10
7/31/2022	70	30	\$17.14	\$0.00	\$0.00	\$257.10	\$257.10
8/7/2022	70	30	\$17.14	\$0.00	\$0.00	\$257.10	\$257.10
8/14/2022	70	30	\$17.14	\$0.00	\$0.00	\$257.10	\$257.10
8/21/2022	70	30	\$17.14	\$0.00	\$0.00	\$257.10	\$257.10
8/28/2022	70	30	\$17.14	\$0.00	\$0.00	\$257.10	\$257.10
9/4/2022	70	30	\$17.14	\$0.00	\$0.00	\$257.10	\$257.10
9/11/2022	70	30	\$17.14	\$0.00	\$0.00	\$257.10	\$257.10
9/18/2022	27	0	\$17.14	\$0.00	\$0.00	\$0.00	\$0.00
TOTALS:	591	240				\$2,056.80	\$2,056.80

Unpaid Hours	Unpaid OT Hours	Hrly. Wage	Unpaid Wages
351	240	\$17.14	\$12,186.54

EXHIBIT B-Rest and Lunch Breaks Violations

Hours/Day	Owed Breaks	Hrly. Wage	Unpaid Breaks/Day	Unpaid Breaks Total
10	4	\$17.14	\$68.56	3,993.62

EXHIBIT C -Waiting time penalties

Hours/Day Reg.	OT hours	Total wages per day	Waiting time penalties
8 @ \$17.14=\$137.12	2@\$25.71=\$51.42	\$188.54	30 days @\$188.54=\$5,656.20

221 James M. Dore - State Bar No. 343860
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225 *Attorneys for Plaintiffs*

226
227 **IN THE UNITED STATES DISTRICT COURT**
228 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
229
230

OSCAR RENE ORELLANA IZAGUIRRE

CASE NO: 5:23-CV-316

Plaintiff,

vs.

MOTION FOR DEFAULT JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 55

PROSPER BUILDERS, INC.,
QUOC K. TRUONG AND THAI TRUONG,

Defendants.

231
232
233 **PETITION FOR ATTORNEY'S FEES, TIME AND TASKS**
234 James M. Dore, having been first duly sworn on oath, states:
235 1. Plaintiff Oscar Rene Orellana Izaguirre retained me to represent them in the above
236 captioned lawsuit against the named Defendant(s). The above captioned lawsuit involves claims
237 under the Fair Labor Standards Act and California Labor Code to collect unpaid wages and
238 overtime from Defendant(s), their former employer.
239 2. I am the primary attorney responsible for handling this matter; and I am licensed to
240 practice law in the state of California. My bar number is 343860. The administrative work on the
241 file is performed by our employee, Derian Geovanni Palacios Morales, also referred to as "Gio"
242 in our time keeping records. We do not bill any hourly time for work performed by Gio.
243 3. Our billable hourly rate is \$400.00 per hour for matters of this kind.
244 4. Our \$400.00 hourly rate is reasonable and comparable to rates charged by attorneys and
245 staff of a comparative level, serving the same legal market of the Northern District of California.
246 I have been practicing law for over fourteen years.

247 5. The following list specifies an accurate statement of the subjects and the professional time
 248 spent and to be spent in the prosecution of the claim(s) of Plaintiff against the Defendants. The
 249 list represents the coincidental or reasonably current preparation of the subject matters and the
 250 time assigned as reflected in the records of the attorneys for Plaintiff:

251

252	Date	Atty	Hours	Description of Activity
253				
254	01/23/2023	JMD	0.30	RESEARCH RE: DEFENDANT; ONLINE PRESENCE AND 255 LOCATION
256				
257	01/23/2023	JMD	2.00	DRAFT COMPLAINT; DRAFT CIVIL ACTION COVER SHEET; 258 DRAFT APPEARANCE; DRAFT SUMMONSES TO 259 DEFENDANTS;
260				
261	01/24/2023	JMD	0.10	REVIEW MINUTE ORDER;
262				
263	02/28/2023	JMD	0.15	REVIEW AFFIDAVITS OF NON-SERVICE OF SUMMONS FOR 264 ALL DEFENDANTS;
265				
266	03/14/2023	JMD	0.10	REVIEW MINUTE ORDER;
267				
268	04/04/2023	JMD	0.30	DRAFT AND FILE MOTION TO SERVE PROPER BUILDERS, INC. 269 THROUGH THE CALIFORNIA SECRETARY OF STATE;
270				
271	04/05/2023	JMD	0.30	DRAFT AND FILE MOTION AND AMENDED MOTION FOR 272 EXTENSION OF TIME TO SERVE DEFENDANTS;
273				
274	04/10/2023	JMD	0.10	REVIEW AND FILE AFFIDAVITS OF SERVICE OF PROCESS 275 AND AFFIDAVIT OF NON-SERVICE AS TO PROPER BUILDERS, 276 INC.;
277				
278	04/13/2023	JMD	0.10	REVIEW ORDER GRANTING SERVICE THROUGH SECRETARY 279 OF STATE;
280				
281	04/18/2023	JMD	0.10	DRAFT AND FILE REQUEST FRO ISSUANCE OF SUMMONS 282 PROPER BUILDERS, INC.;
283				
284	05/10/2023	JMD	0.10	REVIEW AND FILE SERVICE OF PROCESS AFFIDAVT AS TO 285 PROSPER BUILDERS, INC.;
286				
287	06/19/2023	JMD	0.30	DRAFT AND FILE REQUEST FOR ENTRY OF DEFAULT;
288				
289	06/21/2023	JMD	0.10	REVIEW ORDER GRANTING CLERK'S ENTRY OF DEFAULT;
290				

291 07/07/2023 JMD 4.00 DRAFT AFFIDAVIT FOR PROVE-UP, INCLUDING
 292 SPREADSHEET DETAILING DAMAGES IN THE CASE; DRAFT
 293 PETITION FOR ATTORNEYS FEES AND COSTS; DRAFT
 294 CERTIFICATE OF DEFAULT; DRAFT AFFIDAVIT AS TO
 295 MILITARY SERVICE; DRAFT NOTICE AND MOTION FOR
 296 DEFAULT JUDGMENT;
 297

298 **Total Hours:** JMD 8.05 hrs. X \$400.00/hr = \$3,228.05
 299

300 **Total Attorneys Fees = \$3,228.05**
 301
 302
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304 Costs	305 Date	306 Amount	307 Description
	01/23/2023	\$402.00	Filing Complaint
	05/04/2023	\$1,069.00	Costs of Service – Summons and Complaints

308
 309 **Total Costs: \$1,471.00**
 310

311 6. These records identify the work that we did each day, the amount of time that we devoted
 312 to this matter on that day (including separate entries for each task), and a description of the work
 313 performed. The time entries on these invoices were entered by me personally, at or near the time
 314 of performing the work in the ordinary course of our daily practice. These billing records are kept
 315 in the ordinary course of our regularly conducted business activities. Some entries may have been
 316 redacted in part for the purpose of protecting attorney-client communications or work product
 317 privilege.

318 7. The tasks performed and the costs incurred were all reasonably and necessarily incurred
 319 in the case. The fees and costs incurred reflect tasks that were performed competently and
 320 efficiently.

321 8. Accordingly, the total amount of attorney's fees and costs being sought are **\$4,699.05**.

322 9. I have personal knowledge of the facts set forth in this Affidavit and can testify in
 323 accordance therewith.

324 **Verification**

325 I declare under penalty of perjury that the foregoing is true and correct.
 326
 327
 328

329 Executed: September 29, 2023

/s/James M. Dore

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Justicia Laboral LLC
James M. Dore (343860)
Attorneys for Plaintiffs
6232 N. Pulaski Road, Suite 300
Chicago, IL 60646
P: 773-415-4898
E: jdore@justicialaboral.com

376 James M. Dore - State Bar No. 343860
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380 *Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OSCAR RENE ORELLANA IZAGUIRRE

CASE NO: 5:23-CV-316

Plaintiff,

MOTION FOR DEFAULT JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 55

PROSPER BUILDERS, INC.,
QUOC K. TRUONG AND THAI TRUONG,

Defendants.

AFFIDAVIT AND CERTIFICATE IN SUPPORT OF MOTION FOR DEFAULT

I, **James M. Dore**, attorney for Plaintiffs in the above captioned matter, do hereby certify that on September 29, 2023, I reviewed our file and/or the online docket for this case. I further certify that the Defendants in this case have not entered an appearance in the lawsuit as of today's date.

Verification

397 I declare under penalty of perjury that the foregoing is true and correct.

398

399 Executed: September 29, 2023

/s/ James M. Dore

Justicia Laboral LLC
James M. Dore (State Bar No. 343860)
Attorneys for Plaintiffs
6232 N. Pulaski Road, Suite 300
Chicago, IL. 60646
P: 773-415-4898
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409 James M. Dore - State Bar No. 343860
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413 *Attorneys for Plaintiffs*

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OSCAR RENE ORELLANA IZAGUIRRE

CASE NO: 5:23-CV-316

Plaintiff,

vs.

MOTION FOR DEFAULT JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 55

PROSPER BUILDERS, INC.,
QUOC K. TRUONG AND THAI TRUONG,

Defendants.

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AFFIDAVIT AS TO MILITARY SERVICE

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423 I, **James M. Dore**, counsel for plaintiff, on oath state that with respect to Defendant Quoc K.
424 Truong and Thai Truong ("Defendants"), said defendant(s) is/are not in the military service of
425 the United States. This affidavit is based on these facts. Defendants are operating a construction
426 and landscaping business in the geographic boundaries of the Northern District of California and
427 has been since at least July 2022. Defendants were served March 22, 2023. They did not advise
428 the Plaintiff's process server of any military service.

429

Verification

430

I declare under penalty of perjury that the foregoing is true and correct.

431

432 Executed: September 29, 2023

/s/ James M. Dore

433
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James M. Dore (**State Bar No. 343860**)
Attorney For Plaintiff
Justicia Laboral, LLC

436 6232 N. Pulaski, #300
437 Chicago, IL 60646
438 P: 773-415-4898
439 E: jdore@justicialaboral.com
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